

**Executive Summary**

**This document was prepared in March 2014 on the basis of the latest information known to the submitting organisations.**

**Principal concerns are:**

- **lack of provision for conscientious objection to military service**
- **the level of militarisation in the secondary school system in general, and in particular that from the age of 15 pupils at the national military boarding schools, although explicitly protected from being deployed in hostilities, become in other respects effectively members of the armed forces.**

**Military Service and Conscientious Objection**

1 Under the Military Duty and Military Service Act of 8<sup>th</sup> July 2005 “citizens aged between 18 and 27 years of age who do not have the right to deferment or exemption are liable for conscription to the Kazakh army in the numbers required to staff the armed forces, other forces and military units.”<sup>1</sup> That Act reduced the duration of obligatory military service in Kazakhstan, which had on independence been set at twenty-four months, to 12 months<sup>2</sup>.

2 In practice, these conscription provisions are permissive. The number of males annually reaching “militarily significant age” is currently estimated as 125,322<sup>3</sup>. But the entire active strength of the Kazakh armed forces is currently quoted as 49,000.<sup>4</sup> Moreover, Kazakhstan is moving to convert its armed forces to a professional footing, and by January 2007 only between 15% and 20% of the total were conscripts.<sup>5</sup> Only a very small proportion of those eligible are ever called up.

3 The Military Duty and Military Service Act contains no provisions recognising conscientious objections to such service. In the mid 1990's, a number of Jehovah's Witnesses were imprisoned for refusal to perform military service.<sup>6</sup> In 1997, however, the Jehovah's Witness community in Kazakhstan came to an agreement with the Government that all its members would be treated as religious ministers, who would benefit from exemption from military service under Article 16 of the 1992 Military Service Act;<sup>7</sup> this became Article 27 of the 2005 Act. Since that date there have been no reported cases of the imprisonment of conscientious objectors in Kazakhstan. Of course the agreement itself, which seems to have held even though Jehovah's Witnesses suffer from the generally repressive approach towards minority religious groups, does not in any way constitute a recognition of conscientious objection.

---

<sup>1</sup> CRC/C/OPAC/KAZ/1 (21st November 2005), para 7

<sup>2</sup> Coalition to Stop the Use of Child Soldiers, Child Soldiers Global Report 2008 (London, 2008), pp. 194 – 195.

<sup>3</sup> CIA World Factbook ([www.cia.gov](http://www.cia.gov)), The figure given is for the number reaching the age of 16 in 2010.

<sup>4</sup> The Military Balance 2014 (International Institute for Security Studies, London), p176

<sup>5</sup> Coalition to Stop the Use of Child Soldiers, Child Soldiers Global Report 2008 (London, 2008), p. 194

<sup>6</sup> Horeman, B. & Stolwijk, M., Refusing to Bear Arms, War Resisters International, London, 1998

<sup>7</sup> Makowski, S., “An unrecognised human right: Conscientious objection in the Caucasus and Central Asia.”, in The Broken Rifle No. 56 (War Resisters' International, London, November 2002.).

4 When Kazakhstan reported under the International Covenant on Civil and Political Rights in 2011, the Human Rights Committee asked in the list of issues “Please provide information on (1) the arrangements in place for conscientious objectors to military service to perform alternative services; (2) the number of persons that have used these arrangements; and (3) the duration of alternative service, as compared with military service.”<sup>8</sup>

5 According to Kazakhstan's written replies: “The Military Duty and Military Service Act (art. 27) provides for citizens to be excused from service if they have taken holy orders or are permanently employed in a registered religious association for the period of religious activities, but the institution of alternative service is not enshrined in legislation. In this regard, the competent State body is planning to study the experiences of other countries that have alternative civilian service. For example, the Russian Federation adopted the Federal Alternative Civilian Service Act in 2002; it gives citizens the right to replace military service with alternative civilian service if the former goes against their convictions or beliefs.”

6 In its concluding observations, the Committee stated: While noting that the Military Duty and Military Service Act provides for citizens to be excused from military service if they have taken a holy order or are permanently employed in a registered religious association, the Committee regrets that the Act does not expressly recognize a person’s right to exercise conscientious objection to military service and does not provide for alternative military service (art. 18).

**The Committee encourages the State party to take necessary measures to review its legislation with a view to providing for alternative military service. The State party should also ensure that the law clearly stipulates that individuals have the right to conscientious objection to military service, which they should be able to exercise before the commencement of military service and at any stage during military service.**<sup>9</sup>

7 At the beginning of 2013 the Ministry of Defence spread information about its intention to introduce a new system, under which, as an alternative to twelve months' military service, citizens might, for the equivalent of \$1,400, attend a one month study programme, which would include some basic elements of military (including firearms) training.<sup>10</sup> Although likely to prove popular, the inclusion of firearms training would make this alternative unacceptable to conscientious objectors. Moreover, grave questions of discrimination are raised by making exemption from normal military service dependent on ability to pay.

### Military involvement in education

8 Evidence of militarisation in the secondary education system emerged in 2006 when Kazakhstan reported to the Committee on the Rights of the Child under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict:

9 “In accordance with compulsory State requirements, the subject “Basic military training” is taught in the senior classes of all educational establishments. During their basic military training classes, pupils are taught respect for human rights, they learn to develop feelings of patriotism, they cover the rudiments of military training and they study legal and regulatory texts, including the laws of the Republic of Kazakhstan dealing with the armed forces and the provisions of the Optional

---

<sup>8</sup> CCPR/C/KAZ/Q/1, 27<sup>th</sup> August 2010, para 23.

<sup>9</sup> CCPR/C/KAZ/CO/1, 19<sup>th</sup> August 2011, para 23.

<sup>10</sup> Information received from the “Amparo” network of non-governmental organisations, March 2014.

## Protocol on Involvement of Children in Armed Conflict.<sup>11</sup>

10 “The provisions of the Optional Protocol are currently taught in schools as part of a subject called 'Basics of everyday living and safety', and there are special topics on the prevention of emergencies and the action to take should they occur and on the prevention of terrorism and religious extremism, such as 'Terrorism as a contemporary world problem', 'Religious and extremist organizations and their links to terrorism' and 'What to do in an emergency'.”<sup>12</sup>

12 “In accordance with Presidential decree No. 3049 of 1 July 1996 “On the formation of a Ministry of Defence Cadet Corps and Government decision No. 309 of 27 March 1999 on “Matters regarding the establishment of the ‘Zhas Ulan’ national school named after General S.K. Nurmagambetov as a State institution”, educational institutions for children aged 11 years and over operate under the control of the armed forces. The main tasks of these institutions are: to provide free compulsory general secondary education, and intensive military training; to instil respect for human rights and fundamental freedoms; to develop children’s personalities, talents, skills and physical capacities; and to prepare them for a conscientious life in the spirit of understanding of the world, tolerance and equality.”<sup>13</sup>

13 “According to official figures provided by the education authorities, at the beginning of the 2005/06 school year, some 4,000 children, or 0.01 per cent [*this is nonsensical - presumably 1% is the intended figure*] of the country’s total school-going population, were attending military schools at different levels and of the various types and profiles. According to recent data, some 65 per cent of the pupils finishing these schools opt for the career of regular officers in the military.

14 “In compliance with the laws and regulations in force in Kazakhstan, the Jas Ulan national military school enrolls children from the ages of 12 or 13, and the national military boarding schools take boys from the ages of 15 or 16. The decision to enrol children at these schools and for them to learn the rudiments of military service is voluntary and taken by parents and the children themselves. The military boarding schools are general education schools and, under Kazakh law, pupils at the schools may not be involved in armed conflicts or other activities of a military nature.

15 “Following the basic military training syllabus and the military school curricula, pupils start learning to handle and use firearms (airguns, rifles from the Tula Armoury and Kalashnikov assault rifles) from the ages of 16 or 17. Currently, in all educational establishments (schools and colleges of various types) shooting skills and techniques are taught with the use of air rifles.”<sup>14</sup>

16 It is also disturbing that, despite having declared on ratifying the Optional Protocol that the minimum age for voluntary recruitment was 19 years, Kazakhstan should, in replying to a question on the subject of voluntary recruitment in the list of issues presented by the Committee on the Rights of the Child, have limited itself to quoting the absolute provision in the Convention on the Rights of the Child itself on the recruitment of children under 15.<sup>15</sup> This perhaps represented sensitivity regarding the fact that pupils at the national military boarding schools become members of the Cadet Corps, which means that they are classified as “military service personnel”.<sup>16</sup> If at the

---

<sup>11</sup> CRC/C/OPAC/KAZ/Q/1/Add.1, (23<sup>rd</sup> August 2006), p2.

<sup>12</sup> CRC/C/OPAC/KAZ/1 (21<sup>st</sup> November 2005), para 18

<sup>13</sup> Ibid , para 13.

<sup>14</sup> CRC/C/OPAC/KAZ/Q/1/Add.1, p3

<sup>15</sup> Ibid, p 2-3.

<sup>16</sup> Child Soldiers International (formerly the Coalition to Stop the Use of Child Soldiers), Louder than words: an agenda for action to end state use of child soldiers, September 2012, p.151.

age of 18 they do not sign up to five years military service on graduation they become liable to repay the cost of their education.<sup>17</sup>

Contact: Derek BRETT  
International Fellowship of Reconciliation  
Main Representative to the United Nations, Geneva  
[derekubrett@gmail.com](mailto:derekubrett@gmail.com)  
Tel: (41) 77 462 9825

---

<sup>17</sup> Coalition to Stop the Use of Child Soldiers, Child Soldiers Global Report 2008 (London, 2008), p. 195.